Case 19-30367 Doc 42 Filed 06/24/20 Entered 06/24/20 13:17:00 Desc Main Document Page 1 of 10

UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

In Re:)	19-30367
Vincent A. Tortorello,)	Chapter 13
Debtor(s).)	Judge A. Benjamin Goldgar

NOTICE OF MOTION

TO: See attached Service List

PLEASE TAKE NOTICE that on August 7, 2020, at 9:30 am, or as soon thereafter as counsel may be heard, I shall appear before the Honorable A. Benjamin Goldgar, or any other judge sitting in that judge's place, and present the Debtor's **Objection to Notices of Postpetition Fees filed by Dimon Homes, LLC**, a copy of which is attached.

This motion will be presented and heard telephonically. No personal appearance in court is necessary or permitted. To appear and be heard telephonically on the motion, you must set up and use an account with Court Solutions, LLC. You can set up an account at www.Court-solutions.com or by calling Court Solutions at (917)746-7476.

If you object to this motion and want it called on the presentment date above, you must file a Notice of Objection no later than two (2) business days before that date. If a Notice of Objections is timely filed, the motion will be called on the presentment date. If no Notice of Objection is timely filed, the court may grant the motion in advance without a hearing.

Vincent A. Tortorello, Debtor

By: /s/ John J. Ellmann

John J. Ellmann, Attorney for the Debtor(s) DAVID M. SIEGEL & ASSOCIATES, LLC 790 Chaddick Drive Wheeling, IL 60090 847/520-8100 davidsiegelbk@gmail.com

CERTIFICATE OF SERVICE

I, John Ellmann, certify that I served a copy of this notice and the attached motion on each entity shown on the attached list at the address shown and by the method indicated on the list on June 24, 2020, at or before 5:00 pm.

SERVICE LIST

To the following persons or entities who were served electronically by the Bankruptcy Court:

Glenn Stearns, Ch. 13 Trustee: mcguckin_m@lisle13.com

To the following persons or entities who were served via regular U.S. Mail:

Dimon Homes, LLC c/o Cohen Dovitz Makowka, LLC 10729 W. 159th Street Orland Park, IL 60467

Vincent Tortorello 2717 Elizabeth Avenue Zion, IL 60099

UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

In Re:)	19-30367
Vincent A. Tortorello,)	Chapter 13
Debtor(s).)	Judge A. Benjamin Goldgar

OBJECTION TO NOTICES OF POSTPETITION MORTGAGE FEES, EXPENSES, AND CHARGES BY DIMON HOMES, LLC

NOW COMES the Debtor, by his attorneys, DAVID M. SIEGEL & ASSOCIATES, LLC, to present his Objection, and in support thereof states as follows:

- 1. Jurisdiction is proper and venue is fixed in this Court with respect to these parties.
- 2. On October 25, 2019, the Debtor filed a voluntary petition for relief pursuant to Chapter 13 under Title 11 USC, Glenn Stearns was appointed Trustee, and the chapter 13 plan was confirmed on January 31, 2020.
- 3. The Debtors scheduled Dimon Homes, LLC (Dimon) as a secured claim with arrearage, and that claim is being paid pursuant to the terms of the confirmed plan.
- 4. On February 12, 2020 Dimon filed "Notice of Postpetition Mortgage Fees, Expenses and Charges" (Official Form 410S2) stating that \$4,785.00 in attorney's fees had been incurred postpetition. (Exhibit A)
- 5. On June 19, 2020 Dimon filed another "Notice of Postpetition Mortgage Fees, Expenses and Charges" (Official Form 410S2) stating that an additional \$2,995.00 in attorney's fees had been incurred postpetition. (Exhibit B)
- 6. The attorney's fees cited by Dimon Homes, LLC are excessive and unwarranted. This chapter 13 Bankruptcy case is a routine filing for the purpose of catching up on mortgage arrears. It does not present any extraordinary issues or disputes which would necessitate so much attorney's work.

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7. The Objection to Notices of Postpetition Mortgage Fees, Expenses and Charges should be sustained and the attorney's fees sought by Dimon should be disallowed. Alternatively the fees should be decreased significantly.

WHEREFORE, Debtor respectfully requests that this honorable Court enter an order Sustaining the Objection, and for such other and further relief as the Court shall deem proper.

Respectfully Submitted,

/s/ John Ellmann

John J. Ellmann, A.R.D.C. #6257894 Attorney for the Debtor(s)

DAVID M. SIEGEL & ASSOCIATES, LLC 790 Chaddick Drive Wheeling, IL 60090 847/520-8100

UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

IN RE:

Vincent A. Tortorello

Case No. 19-30367

Judge A. Benjamin Goldgar

Debtor.

NOTICE OF FILING

NOTICE IS HEREBY GIVEN that on February 12, 2020, I caused to be filed with the Clerk of the United States Bankruptcy Court for the Northern District of Illinois, a Notice of Post-Petition Mortgage Fees, Expenses, and Charges, a copy of which is attached and hereby served upon you.

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that I have served a copy of this Notice and Notice of Post-Petition Mortgage Fees, Expenses, and Charges upon the parties listed below, as to the Trustee and Debtor's attorney via electronic notice on February 12, 2020, and as to the Debtor by causing same to be mailed in the properly addresses envelope, postage prepaid from 10729 W. 159th Street, Orland Park, IL 60467 before the hour of 5:00 p.m. on February 13, 2020.

VIA U.S. MAIL:

Vincent A. Tortorello, 2717 Elizabeth Avenue, Zion, IL 60099

VIA ELECTRONIC NOTICE THROUGH ECF:

David M. Siegel, Attorney for Vincent A. Tortorello

Glenn B. Stearns, Trustee

Patrick S. Layng, U.S. Trustee

/s/ Sandra L. Makowka

Cohen Dovitz Makowka, LLC Sandra L. Makowka Attorney No. 6286780 10729 West 159th Street Orland Park, Il 60467 (708) 460-7711 bankruptcy@cdm.legal

Fill in this information to identify the case:	-Entered-06/24/20213:17:19	Des	c Main
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Debtor 2 (Spouse, if filing)			
United States Bankruptcy Court for the: Northern District of II			
Case number 19-30367	linois		
Case number 13-30307			
Official Form 410S2			
Notice of Postpetition Mort			
If the debtor's plan provides for payment of postpetitic debtor's principal residence, you must use this form to filing that you assert are recoverable against the debtor.		a securi urred afte	ty interest in the r the bankruptcy
File this form as a supplement to your proof of claim.			
Name of creditor: Dimon Homes, LLC	Court claim no. (if know	/n):5	
Last 4 digits of any number you use to	,		
identify the debtor's account:			
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C&35549-9035567 DO0642 FFILEPO26124/20

Debtor 1	Vincent A. Tortorello First Name Middle Name Last Name		Case number (# known) 19-30367
Part 2: S	iign Here		
The perso	n completing this Notice must sign it. number.	Sign and print your nam	ne and your title, if any, and state your address and
Check the a	appropriate box.		
l am the	e creditor. e creditor's authorized agent.		
l declare ι of my kno	under penalty of perjury that the in wledge, information, and reasonal	formation provided in le belief.	this claim is true and correct to the best
,	(<u>/s/ Sandra L. Makowka</u> Signature		Date 02/06/2020
Print:	Sandra L. Makowka First Name Middle Name	Last Name	Title Attorney
Сотрапу	Cohen Dovitz Makowka, LLC		
Address	10729 W. 159th Street Number Street Orland Park City	IL 60467 State ZIP Code	
Contact phone	(708) 460-7711		Email_bankruptcy@cdm.legal

UNITED STATES BANKRUPTCY COURT EXHIBIT B NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

IN RE:

Vincent A. Tortorello

Case No. 19-30367

Judge A. Benjamin Goldgar

Debtor.

NOTICE OF FILING

NOTICE IS HEREBY GIVEN that on June 19, 2020, I caused to be filed with the Clerk of the United States Bankruptcy Court for the Northern District of Illinois, a Notice of Post-Petition Mortgage Fees, Expenses, and Charges, a copy of which is attached and hereby served upon you.

CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that I have served a copy of this Notice and Notice of Post-Petition Mortgage Fees, Expenses, and Charges upon the parties listed below, as to the Trustee and Debtor's attorney via electronic notice on June 19, 2020, and as to the Debtor by causing same to be mailed in the properly addresses envelope, postage prepaid from 10729 W. 159th Street, Orland Park, IL 60467 before the hour of 5:00 p.m. on June 19, 2020.

VIA U.S. MAIL:

Vincent A. Tortorello, 2717 Elizabeth Avenue, Zion, IL 60099

VIA ELECTRONIC NOTICE THROUGH ECF:

David M. Siegel, Attorney for Vincent A. Tortorello

Glenn B. Stearns, Trustee

Patrick S. Layng, U.S. Trustee

/s/Ashley K. Rasmussen

Cohen Dovitz Makowka, LLC Ashley K. Rasmussen Attorney No. 6308095 10729 West 159th Street Orland Park, Il 60467 (708) 460-7711 bankruptcy@cdm.legal

TO THE STATE OF TH			in
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Notice of Postpetition Mo	rtgage Fees, Expenses,	and Charges	12
the debtor's plan provides for payment of postpeti ebtor's principal residence, you must use this form ling that you assert are recoverable against the deb	ition contractual installments on your claim sect		-
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Promote to your proof of claim	осе рапктирксу київ 3002.1.		
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Does this notice supplement a prior notice of expenses, and charges? No Yes. Date of the last notice: 02/12/2020 Itemize Postpetition Fees, Expenses and charges incurred or scrow account disbursements or any amounts preserved by the property of the served by the property of the served by the s	n the debtor's mortgage account after the petition and itemized in a notice filed in this case or Dates incurred 2/10/20; 5/11/20	Amount (1) \$ (2) \$ (3) \$ (4) \$ (5) \$ (6) \$ (7) \$ (8) \$ (10) \$	995.00
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Does this notice supplement a prior notice of expenses, and charges? No Yes. Date of the last notice: 02/12/2020 Itemize Postpetition Fees, Expense: temize the fees, expenses, and charges incurred or scrow account disbursements or any amounts pre Description Late charges Non-sufficient funds (NSF) fees Attorney fees Filing fees and court costs Bankruptcy/Proof of claim fees Appraisal/Broker's price opinion fees Tax advances (non-escrow) Insurance advances (non-escrow) Property preservation expenses. Specify: Other. Specify: Other. Specify:	n the debtor's mortgage account after the petition are incurred Dates incurred 2/10/20; 5/11/20	Amount (1) \$ (2) \$ (3) \$ (4) \$ (5) \$ (6) \$ (7) \$ (8) \$ (10) \$ (11) \$ (12) \$	995.00
Does this notice supplement a prior notice of expenses, and charges? No Yes. Date of the last notice: 02/12/2020 art 1: Itemize Postpetition Fees, Expenses temize the fees, expenses, and charges incurred or escrow account disbursements or any amounts preserved.	es, and Charges In the debtor's mortgage account after the petition of the debtor's mortgage account after the debtor's mortgage account after the petition of the debtor's mortgage account after the petition of the debtor's mortgage account after the debtor's mortgage account acco	ruled on by the bankrupt Amount (1) \$	995.00

C& 13:17:00 Desc Main Down Propher Pagge 9 06/24/2014:33:09 Desc Main

Debtor 1	Vincent /	. Tortorell	D Last Name			Cas	se number ((Fknown) 19-30367
Part 2:	ign Here		·				
The perso telephone	n completing number.	this Notice m	nust sign it.	Sign and	d print your r	ame and	l your title, if any, and state your address and
Check the a	appropriate bo	x.					
l am the	e creditor.						
☑ I am the	e creditor's a	uthorized agen	Ł				
-	3 ,	ty of perjury ormation, and ey K. RAsr	roudonab	ormatio	n provided f.	in this c Date	laim is true and correct to the best
Print:	Ashley K	. Rasmusser	lle Name	Last Na	me	Titie	Attorney
Company	Cohen D	ovitz Makow	ka, LLC				
Address	10729 W Number Orland Po	. 159th Stree Street ark	t	IL State	60467 ZIP Code	-	
Contact phone	708-460-	7711	≟			Email	bankruptcy@cdm.legal